

Current Practices in Enforcement of California Laws Regarding Youth Access to Tobacco Products and Exposure to Secondhand Smoke

2004 Survey Findings

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Executive Summary

Since the inception of its tobacco control program, CDHS/TCS has devoted considerable resources to stimulate adoption of state laws and local ordinances, conduct media advocacy and education to stimulate compliance, and train enforcement agencies to increase active enforcement of laws designed to reduce illegal sale of tobacco to minors and exposure to secondhand smoke (SHS).

From 1996 to 2000, CDHS/TCS tracked the activities of local enforcement agencies as part of the Independent Evaluation (IE) of the California Tobacco Control Prevention and Education Program. Beginning in late 2003, TALC took on the task of periodic assessment of local enforcement agencies activities.

This report presents findings on the amount and type of enforcement of youth access (YA) and SHS laws occurring throughout California in 2003 and early 2004. In addition, trend analyses of data collected from enforcement agencies in the 18 counties that were the focus of IE are also included to determine changes in enforcement activity since 1996.

Methods

Youth Access Enforcement Survey

The YA survey addressed enforcement of Penal Code Section (PC§) 308(a), prohibiting the sale of tobacco products to people less than 18 years of age, and PC § 308(b), prohibiting anyone less than 18 years of age to buy or possess tobacco. Of the 376 police and sheriff offices in all California counties and municipalities targeted for the survey, 284 completed the survey for a response rate of 76%. All but two of California's 58 counties (Inyo and Nevada) were represented in the final sample.

Secondhand Smoke Enforcement Survey

The second survey focused on the enforcement of SHS laws, including Labor Code Section (LC§) 6404.5 Smoke-free Workplaces, LC § 6404.5 Smoke-free Bars, Health and Safety Code Section (HSC§) 104495 Smoke-free Playgrounds and Tot Lots, as well as knowledge about Government Code Section (GC§) 7596-7598 that bans smoking within 20 feet of main entrances, exits, and operable windows. Of the 426 SHS enforcement agencies targeted for the survey, 237 completed the survey (56% response rate). Sixteen counties were not represented by primary enforcement agencies in the sample (Colusa, Del Norte, El Dorado, Inyo, Mariposa, Merced, Mono, Plumas, San Benito, Shasta, Sierra, Siskiyou, Sutter, Trinity, Tuolumne, and Yuba).

Summary of Findings

Youth Access

- The YA survey results indicate that enforcement agency actions have not changed much since the 2000 IE survey. About 30% of enforcement agencies conducted youth decoy operations in 2004, as compared to about 35% in 2000, a nonsignificant decline.
- Fewer than 10% of enforcement agencies report that warnings and citations were issued to merchants. However, a very high proportion of law enforcement agencies reported that they issued warnings (82%) and citations (90%) to minors possessing tobacco products.
- In 2004, significant predictors of whether decoy operations were conducted were: perceptions of greater collaboration with other groups on enforcing youth access policies; participation in any training for local enforcement; and receipt of any funding for local enforcement.
- Law enforcement agencies continue to rank various policies and procedures such as suspension/revocation of licenses, civil and criminal penalties for owners and clerks, as effective strategies to reducing youth access to tobacco.

Secondhand Smoke

Enforcement of LC § 6404.5 — Smoke-free Workplaces (Excluding Bars)

- Almost two-thirds of enforcement agencies reported conducting at least one workplace-related SHS enforcement activity in late 2003 and early 2004. Over half the agencies reported in 2004 that they responded to inquiries and complaints, but relatively few agencies issued fines (11%) or citations (20%). Trends from 1996 to 2004 indicate declines in the percent of agencies responding to complaints or issuing warnings for SHS law violations. Importantly, no significant changes over time were found for the percent of agencies conducting compliance checks or issuing citations over time. Agencies in rural counties reported conducting significantly fewer enforcement activities than did agencies in urban and suburban counties of California.
- Most enforcement agencies perceived that the rate of compliance with workplace SHS laws is high.
- Significant predictors of whether enforcement activities were conducted are: the relative importance of enforcing these laws compared to other laws; and collaboration with other agencies.
- The level of enforcement agency collaboration with other groups is lower in 2004 than in previous years, although most enforcement agencies reported that they collaborated on enforcement activities at least once in the previous six months. Important barriers to enforcement continue to be limited staff and insufficient budget. On average, agencies from rural counties reported significantly higher barriers to enforcement than did those from urban and suburban counties.

Enforcement of LC § 6404.5 — Smoke-free Bar Provision

- Levels of enforcement of the smoke-free bar provision are higher than for other workplace provisions included in LC § 6404.5. About three-quarters of the responding agencies in 2004 conducted at least one bar-related enforcement activity during the previous six months. In contrast to other workplace-related enforcement activities, responses did not vary significantly among agencies in urban, suburban, and rural counties. Roughly two-thirds of all agencies reported that they responded to inquiries and complaints and about half issued warnings. More agencies also reported issuing fines for violations of the smoke-free bar provisions than other workplace provisions.
- Two variables predicted whether an agency enforced the bar related provision of LC § 6404.5: the relative seriousness of the SHS problem in bars compared to other community problems; and enforcement agency collaboration with other agencies.

Enforcement of HSC § 104495— Smoke-free Playgrounds and Tot Lots

- The levels of enforcement activities related to HSC § 104495 are lower than for either of the smoke-free workplace provisions of LC § 6404. Only about 40% of the responding agencies reported conducting any enforcement activities related to this law, and about one-third conducted compliance checks or responded to inquiries and complaints. Even fewer issued citations and virtually none (2%) issued fines for violations of the law.
- Most of the agencies believe that this issue is less serious than other community problems. Barriers to enforcement, such as limited staff and insufficient funding, ranked higher than for smoke-free workplace provisions. Two variables predicted whether an agency enforced LC § 6404: perceived barriers to enforcement; and collaboration with other agencies.

Conclusions

Youth Access

The reduction in the percent of agencies actively enforcing PC 308 (a) is disappointing given that CDHS/TCS has continued to expend resources to stimulate enforcement through funding provided, training, and technical assistance to law enforcement agencies. However, that this level of enforcement is statistically the same as what was reported in 2000 may be good news given the downturn in the economy and resulting cutbacks in local community services over the past several years.

Law enforcement agencies' perspectives on various policies and procedures as effective strategies to reducing youth access to tobacco may be useful to local programs attempting to strengthen youth access laws in their communities, and may represent an opportunity for collaboration with their local law enforcement agencies on these efforts.

Predictors of enforcement (e.g., collaboration with other groups to enforce youth access policies; participation in enforcement training; and receipt of funding for local enforcement) confirm the importance of providing ongoing support for local law enforcement agencies.

Secondhand Smoke

In general, enforcement agencies believe that there are high rates of compliance in their communities with the three SHS laws that were addressed in the survey. There is, however, variability in enforcement of SHS laws at the local level. Smoke-free bar provisions appear to be more actively enforced than other workplace provisions, while the law requiring smoke-free playgrounds and tot lots is enforced less than either of the other two laws.

Perceptions about the importance of the laws, the seriousness of the problems they are intended to address, and the amount of collaboration with other agencies on enforcement activities all predict whether an agency actively enforces these laws. The lower level of enforcement of the workplace SHS law in rural communities warrants further examination to determine if this is due to the perceived importance of enforcing these laws, or reduced opportunities for collaboration with other agencies.

The findings point to important roles local health departments and their partners can play both in educating their communities and enforcement agencies about reducing exposure to SHS through law enforcement and in facilitating collaboration with SHS enforcement agencies.

Introduction

Since the inception of its tobacco control program, CDHS/TCS has identified as high priorities reducing the illegal sale of tobacco to minors and reducing exposure to SHS. Strategies have been pursued at the state and local levels to stimulate adoption of state laws and local ordinances, conduct media advocacy and education to stimulate compliance, and train enforcement agencies to increase active enforcement of these laws. Technical resources (e.g., TALC, BREATH, and the Center for Tobacco Policy and Organizing [the Center]) have been funded by CDHS/TCS to work with local jurisdictions on policy development and enforcement strategies.

During the period 1996 to 2000, CDHS/TCS tracked the activities of local enforcement agencies as part of the IE of the California Tobacco Control Prevention and Education Program. The major aim of IE was to determine the effectiveness of the California Tobacco Control Prevention and Education Program by examining relationships between community, media, and school-based program activities and outcomes measured at the community and individual levels. IE tracked activities and assessed outcomes in 18 “focal counties” selected to represent the entire state, and employed multiple data collection methods that were implemented in three waves (1996, 1998, and 2000).

Independent Evaluation Focal Counties (1996-2000)

Media Markets

Fresno
Los Angeles
Sacramento
San Diego
San Francisco

Medium-Density

Monterey
San Bernardino
Shasta
Yuba

High-Density

Alameda
Contra Costa
Orange
San Mateo
Santa Clara

Low-Density

Lake
Lassen
Mono
Plumas

These 2004 law enforcement surveys represent an extension of the earlier IE survey efforts which were limited to enforcement agencies in the 18 focal counties included in the IE sampling design. In contrast to IE, the 2004 law enforcement surveys were disseminated to all enforcement agencies responsible for enforcing these two categories of laws in California.

This report presents findings on the amount and type of enforcement of youth access and SHS laws occurring throughout California in 2003 and early 2004. In addition, trend analyses of data collected from enforcement agencies in the 18 focal IE counties are also included to determine changes in enforcement activity since 1996.

Methods

Enforcement Agency Surveys

Two separate written surveys were administered to enforcement agencies in California. One survey focused on the enforcement of state policies related to youth access to tobacco while the other survey focused on the enforcement of state policies related to exposure to tobacco smoke.

Specifically, the YA survey focused on enforcement of PC §308(a), prohibiting the sale of tobacco products to people under 18 years of age, and PC § 308(b), prohibiting anyone under 18 years of age to buy or possess tobacco. The SHS survey focused on enforcement of LC §6404.5 Smoke-free Workplaces, LC § 6404.5 Smoke-free Bars, HSC § 104495 Smoke-free Playgrounds and Tot Lots, as well as knowledge about GC § 7596-7598, a law adopted on January 1, 2004, that bans smoking within 20 feet of main entrances, exits, and operable windows of city, county, and state government buildings. Both survey instruments contained primarily closed-ended questions that asked about enforcement activities over the past 6 or 12 months. Areas queried in the surveys included: issue salience; perceived importance of agency enforcement; perceived compliance with policies; involvement in enforcement activities; perceived barriers to enforcement; collaboration with other agencies on enforcement efforts; and perceived effectiveness of enforcement policies/procedures.

Survey Respondents

YA Enforcement Survey. All police and sheriff offices in all California counties and municipalities were initially targeted for the survey. A database of enforcement agencies was constructed from one used by the California State University at Sacramento to announce law enforcement trainings and the database used by IE to conduct its 2000 surveys. The final sample consisted of 335 police departments, 102 sheriff or sheriff substations, and 43 city agencies (including 19 code enforcement departments) making a final sample of 480. (Note that in some jurisdictions surveys were sent to multiple agencies and/or individuals to ensure response from the correct enforcement agency.)

After removing invalid addresses, agencies that replied stating they were not responsible for enforcement, and incorrect contacts at agencies, the total sample of valid agencies was 376, of which 284 completed surveys were returned for a response rate of 76%. Of the 284 surveys received, 15 were removed from the analyses because they were submitted by an agency that was not the main enforcement agency for the jurisdiction, resulting in a valid sample of 269 agencies. All but two of California's 58 counties (Inyo and Nevada) were represented in the final sample.

SHS Enforcement Survey. A list of SHS enforcement agencies was obtained from BREATH and combined with the database used by IE to conduct its 2000 surveys. The final sample consisted of 182 police departments, 55 sheriff or sheriff substations, 91 code enforcement agencies, and 179 miscellaneous city agencies (including city attorneys, city managers, health departments, and fire departments), for a total sample of 507 agencies.

After removing invalid addresses, agencies that replied stating they were not responsible for enforcement, and incorrect contacts at agencies, the final list of potential respondents was 426. Completed SHS surveys were received from 237 agencies for a response rate of 56%. Of these agencies, 215 were considered primary enforcers of the law (i.e., agencies that issued citations) and 47 agencies shared enforcement responsibilities with the primary enforcers (i.e., fielded complaints, wrote letters, etc). Sixteen counties were not represented by primary enforcement agencies in the sample (Colusa, Del Norte, El Dorado, Inyo, Mariposa, Merced, Mono, Plumas, San Benito, Shasta, Sierra, Siskiyou, Sutter, Trinity, Tuolumne, and Yuba).

Procedures

YA Enforcement Survey. The youth access survey was sent to all potential respondents during the last week of January 2004. In addition to the first mailing, agencies received up to two reminder postcards, a second survey, and reminder phone calls in order to maximize the response rate. Data collection was completed by the end of March 2004.

SHS Enforcement Survey. The SHS survey was mailed to all potential respondents in mid-February 2004. In addition to the first mailing, agencies received up to two reminder postcards, a second survey, and reminder phone calls in order to maximize the response rate. Data collection was completed by the end of April 2004.

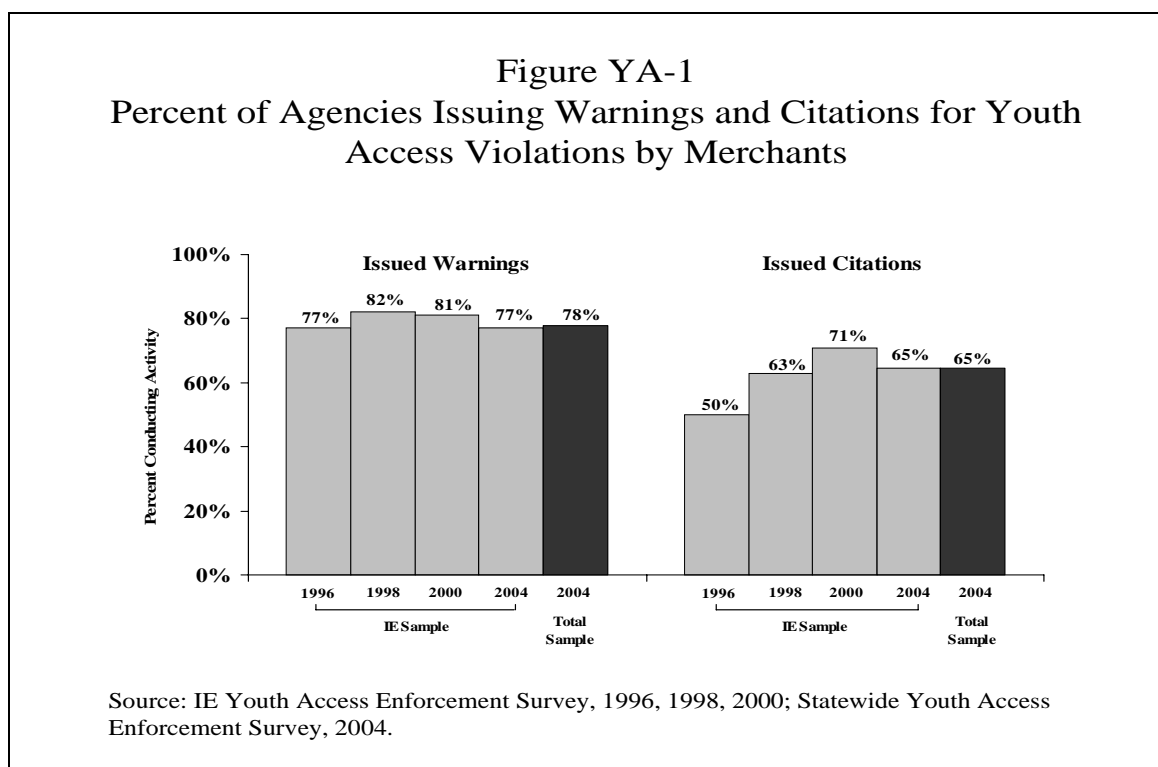
All surveys were written in English. PHI staff checked each returned survey for completeness and clarity prior to data entry. In some cases, phone calls and faxes to agencies were necessary to clarify responses. Surveys were key-entered and verified by Richardson Data Services in Palo Alto. Analyses were conducted using SPSS 11.5 for Windows and SPSS 11.0 for Macintosh.

Results: Enforcement of Youth Access Laws

In this section all presented findings from the 2004 statewide survey of agencies charged with enforcing PC § 308(a), prohibiting the sale of tobacco products to persons under 18 years of age, and PC § 308(b), prohibiting anyone under 18 years of age to buy or possess tobacco. Data is reported from only one main agency per jurisdiction (municipality or county). Trends in YA enforcement among the subset of enforcement agencies surveyed in 2004 that are in the 18 focal counties of the 1996-2000 IE are also reported.

Warnings and Citations for Violations by Merchants

Warnings. Figure YA-1 shows that statewide in 2004, 78% of YA enforcement agencies reported having issued warnings to merchants selling tobacco products to minors in the previous year. Of the 217 agencies responding to this question, however, more than one-third (37%) reported that they only “rarely” issued such warnings to merchants, and only 3% reported that they issued warnings “very often.” There are no differences among urban, suburban, and rural counties on this variable.



Among the 139 IE-county enforcement agencies who provided valid responses in 2004, 77% had issued warnings to merchants in the previous 12 months (see Figure YA-1). IE detected no significant changes in this variable across its three survey waves (1996, 1998, and 2000), and no significant change was observed when the 2004 data was added ($p = 0.55$). (Note the Figure displays cross-sectional findings for each wave, but our analysis of differences on this variable includes only 58 enforcement agencies for which there are valid data across all survey waves.)

Citations. Figure YA-1 also shows that statewide in 2004, 65% of YA enforcement agencies reported having issued citations to merchants in the previous 12 months. The frequency distribution of responses to this question is also skewed, with 32% of 234 agencies reporting that they “rarely” issued citations, and 6% reporting that they did so “very often.” There are no differences among urban, suburban, and rural counties on this variable.

About one-third (32%) of all agencies reported having issued at least one citation to persons giving or selling tobacco products to minors (not only merchants illegally selling tobacco products). This rate did not differ significantly across agencies in urban (36%), suburban (33%), or rural (26%) counties. Among the agencies that reported having issued at least one citation for violations of PC § 308(a) an average of 11.6 citations were issued during the previous year. Averages for agencies in urban (15.1 citations), suburban (8.5 citations), or rural (9.5 citations) counties did not differ significantly ($p = 0.41$)

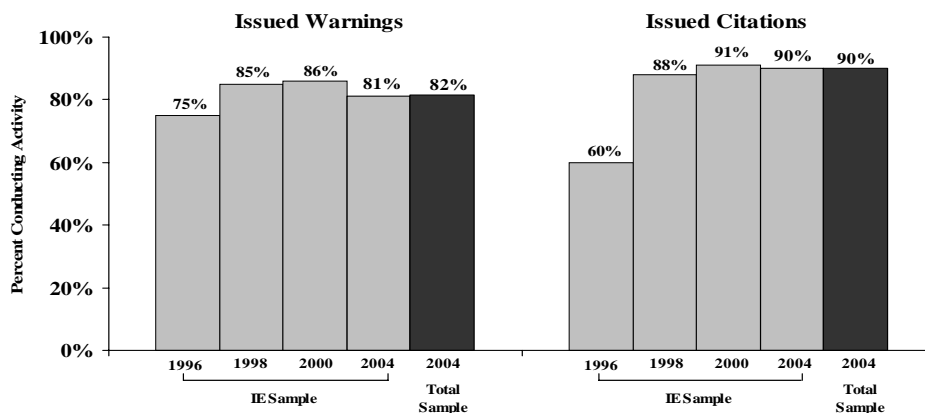
IE reported a significant increase in the number of enforcement agencies that issued citations to merchants across the three survey waves ($p < 0.01$), but the effect was due to the increase that occurred between 1996 and 1998 (see Figure YA-1). As shown in Figure YA-1, 65% of enforcement agencies in the focal IE counties reported that they had issued citations to merchants in the previous 12 months. Overall, the four-wave analysis revealed no significant differences over time ($p = 0.25$).

Warnings and Citations for Violations by Minors

Warnings. Figure YA-2 shows that 82% of YA enforcement agencies statewide reported in 2004 having issued YA warnings to minors in the previous 12 months. Of the 222 agencies responding to this question, only about one-third (32%) reported that they “rarely” issued such warnings to minors, and only four agencies (1.5%) reported that they issued warnings “very often.” There were no differences among urban, suburban, and rural counties on this variable.

Although there appears to be a slight decline in the percentage of IE-county agencies that reported issuing warnings to minors, there is no significant difference across the four waves ($p = 0.73$).

Figure YA-2
Percent of Agencies Issuing Warnings and Citations for Youth
Access Violations by Minors



Source: IE Youth Access Enforcement Survey, 1996, 1998, 2000; Statewide Youth Access Enforcement Survey, 2004.

Citations. Figure YA-2 also shows that 90% of YA enforcement agencies statewide in 2004 reported having issued citations to minors in the previous 12 months. The frequency distribution of responses to this question is relatively flat, with 19% of 253 agencies reporting that they “rarely” issued citations, and 9% reporting that they did so “very often.”

There is a difference in citation activity by agencies from counties of varying population density. Among agencies in urban counties, 93% reported issuing citations to minors, and 94% of agencies in suburban counties also reported issuing citations to minors; however, only 84% of agencies in rural counties reported issuing citations (Chi-square = 5.74, $p = 0.07$).

In the 12 months prior to the 2004 survey, agencies across the state reported issuing an average of 19.3 citations to minors for possession of tobacco products [PC§308(b)]. Among those agencies that issued at least one citation to a minor for violation of PC§308(b), the average was 24.7 citations in the previous 12 months. Activity for agencies from urban (29.5 citations), suburban (25.1 citations), or rural (18.9 citations) did not differ significantly ($p = 0.37$).

IE reported that citations to minors for PC § 308(b) violations increased over time, but this effect was largely due to the jump in the citation rate from 1996 to 1998 (Figure YA-2). Our four-wave analysis also reveals a significant difference over time but this is also due to the low rate in 1996 ($p < 0.01$). No significant changes on this variable have been detected since 1998.

Illegal Sales of Tobacco to Minors

Decoy Operations. Decoy operations (also known as stings or undercover buying attempts) are conducted by enforcement agencies to determine if retail tobacco outlets are in compliance with the law. In 2004, 30% of all enforcement agencies statewide conducted at least one decoy operation during the previous 12 months. Among the agencies that conducted at least one decoy operation, on average, 65% of local tobacco outlets in the enforcement jurisdiction were included in one or more decoy operations over the previous 12 months. Most stores visited in decoy operations were chosen: (a) in response to complaints (25% of agencies reporting); (b) selected at random (20%); or (c) as part of a census of all stores in the jurisdiction (20%). Among the agencies conducting at least one decoy operation, agencies statewide conducted an average of 10.7 operations in the previous year. Agencies in urban, suburban, and rural counties conducted an average of 6.2, 12.5, and 14.4 operations, respectively, a nonsignificant difference ($p = 0.71$).

In 2000, 35% of agencies responding to the IE survey reported that they had conducted “stings” during the previous 12 months. (Note: The term “stings” was used in the IE surveys, while “decoy operations” was used in our 2004 survey.) Among the 118 agencies for which there are valid data in both 2000 and 2004, 33% reported conducting stings in 2000, 26% reported conducting decoy operations in 2004, and 12% reported conducting both stings in 2000 and decoy operations in 2004. Neither half (47%) reported doing neither stings in 2000 or decoy operations in 2004. The rate of stings in 2000 and decoy operations in 2004 does not significantly differ (McNemar Chi-squared = 1.02, $p = 0.31$).

Estimates of Illegal Tobacco Sales. The agencies that conducted decoy operations during the 12 months prior to the 2004 survey reported that an average of 13.1% of retail outlets visited made illegal sales to youth decoys. The rates estimated by agencies in urban (16.4%), suburban (10.6%), and rural (11.4%) counties were not significantly different from one another ($p = 0.26$).

Prosecution of Illegal Sales. In 2004, enforcement agencies statewide reported that, on average, about 19% of citations issued to retailers were prosecuted in the previous 12 months. The prosecution rate reported from agencies in urban (25%), suburban (15%), and rural (14%) counties did not differ significantly ($p = 0.20$).

Summary data on PC § 308 (a) and (b) activities by enforcement agencies responding to the 2004 survey are presented in Table YA-1.

Table YA-1
Frequency of enforcement activities related to PC § 308
conducted by agency, during the last 12 months

	<i>Mean (SD)*</i>	<i>Ever **</i> <i>(% agencies)</i>	<i>Valid N</i>
a. Issued warnings to minors attempting to purchase tobacco products	2.89 (1.56)	82	222
b. Issued warnings to merchants selling tobacco products to minors	2.68 (1.55)	78	217
c. Issued citations to minors for illegal possession or purchase of tobacco products	3.81 (1.78)	90	253
d. Issued citations to merchants for illegal sales of tobacco products to minors	2.55 (1.79)	65	234
e. Issued warnings or citations to individuals (other than merchants) for giving tobacco products to minors	2.08 (1.28)	58	214
f. Issued warnings or citations to merchants for selling bidis to minors	1.72 (1.26)	37	197
g. Issued warnings or citations to merchants for selling individual cigarettes or packages of less than 20	1.71 (1.25)	36	214
h. Issued warnings or citations to merchants for not posting an age-of-sale warning sign	1.94 (1.45)	44	220

* 1= Never, 2 = Rarely, 7 = Very Often

** Ever is any valid response other than "Never"

Predictors of Youth Access Enforcement

The following factors were analyzed to determine their influence on YA enforcement. These were: impact of the problem, relative importance of enforcement, barriers to enforcement, collaboration between enforcement and health groups, beliefs about the effectiveness of YA laws, training for local enforcement, and funding for local enforcement. There were some differences in the IE and 2004 statewide enforcement surveys. Perceptions of retailers were assessed only in the IE surveys. Training and funding for law enforcement were only assessed in the 2004 statewide law enforcement

survey. Findings on these individual factors that may influence YA enforcement are reviewed first and then results of multivariate analyses are reported.

Seriousness of the Problem. In 2004, most enforcement agencies reported that kids getting tobacco products is “not at all serious” (17% of 255 valid responses) or only “somewhat serious” (52%). Only one-third of agencies reported that this problem is “serious” (25%) or “very serious” (7%). There were no differences in ratings of the seriousness of this community problem among urban, suburban, or rural agencies.

Importance of Enforcement. As compared to other policies that the agency enforces, only 2% of agencies (5 of 262) reported that enforcement of policies that prevent retailers from selling tobacco products to minors is “not at all important.” Relative to other policy enforcement responsibilities, enforcement of tobacco sales to minors policies is, on average, neither unimportant or very important to reporting agencies (mean = 4.22 on a 7-point scale, with 1= “not at all important” and 7 = “very important”). Likewise, only 2% of agencies reported that enforcement of policies regulating youth possession of tobacco products is “not at all important” as compared to other policies that the agency enforces, and the distribution of responses is relatively flat (mean = 4.36 on the 7-point importance scale). There were no differences in ratings of the importance of enforcement of YA policies among agencies from urban, suburban, or rural counties.

Barriers to Enforcement. In IE, three issues consistently ranked as the top barriers to the enforcement of YA tobacco policies: limited staff, insufficient budget, and low community priority. In the 2004 statewide survey, agencies also rated these factors as the top three barriers to enforcement of youth tobacco access policies: limited staff (mean = 5.39 on a 7-point scale with 1 = “not at all a barrier” and 7 = “a large barrier”); insufficient budget (mean = 4.88); and low community priority (mean = 3.24) (see Table YA-2). Lack of support from community leaders (mean = 2.38), belief that the District Attorney (DA) would not prosecute (mean = 2.71), and issues around working with juveniles (mean = 2.76) were the three lowest-rated barriers to enforcement.

The mean of all barriers to enforcement items was calculated as a factor for use in multivariate analyses (mean = 3.54, SD = 1.18). The barrier factor did not differ across agencies from urban, suburban or rural counties, nor did any of the individual barriers listed in Table YA-2.

Table YA-2
Perceived extent of barriers to enforcement of youth tobacco access policies
in enforcement agency's community

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. No money in our budget	4.88 (2.14)	259
b. Limited staff	5.39 (1.86)	262
c. Issues around working with juveniles (e.g., safety, parental consent, agency liability involving youth)	2.76 (1.79)	251
d. Problem getting youth volunteers	2.93 (1.80)	248
e. DA will not prosecute	2.71 (1.84)	244
f. Not a priority in our community	3.24 (1.74)	253
g. Lack of support from community leaders	2.38 (1.56)	252
h. Other (e.g., limited time, funding)	6.18 (1.78)	11

* 1 = Not at all a barrier, 7 = A large barrier

Perceived Effectiveness of YA Laws. Agency respondents were asked to rate the perceived effectiveness of various enforcement policies or procedures in reducing YA to tobacco. As shown in Table YA-3, the most highly rated policies were: suspension or revocation of a tobacco license for stores repeatedly selling tobacco to minors (mean = 6.17 on a 7-point scale with 1 = “not at all effective” to 7 = “very effective”); civil penalties for store owners caught illegally selling tobacco to minors (mean = 5.78); criminal penalties for store owners caught illegally selling tobacco to minors (mean = 5.73); and civil or criminal penalties for store clerks caught illegally selling tobacco to minors (mean = 5.71). The lowest-rated policy, tobacco merchant licensing still had high absolute support (mean = 4.89).

The mean of all perceived policy effectiveness items was calculated as a factor for use in multivariate analyses (mean = 5.41, SD = 1.13). The effectiveness factor did not differ across agencies from urban, suburban, or rural counties, nor did any of the individual items listed in Table YA-3.

Table YA-3
Perceived effectiveness of enforcement policies or procedures
in reducing YA to tobacco

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. Tobacco decoy operations (undercover tobacco purchase surveys)	5.30 (1.69)	238
b. Merchant education regarding illegal sale of tobacco products to minors	4.92 (1.58)	245
c. Tobacco merchant licensing	4.89 (1.75)	206
d. Civil penalties for store owners caught illegally selling tobacco to minors	5.78 (1.34)	241
e. Criminal penalties for store owners caught illegally selling tobacco to minors	5.73 (1.45)	249
f. Civil or criminal penalties for store clerks caught illegally selling tobacco to minors	5.71 (1.35)	250
g. Suspension or revocation of a tobacco license for stores repeatedly selling tobacco to minors	6.17 (1.22)	245
h. Fines for minors in possession of tobacco products	4.90 (1.71)	245

* 1 = Not at all effective, 7 = Very effective

Collaboration. As shown in Table YA-4, enforcement agencies reported collaborating most frequently during the previous 12 months with educational organizations (62% of agencies ever having collaborated), local government officials (60%), and county health departments (53%). Collaboration was reported to be lowest with voluntary health organizations (32%), tobacco prevention coalitions (44%), and merchants or business organizations (45%).

The mean of all collaboration items was calculated as a factor for use in multivariate analyses (mean = 2.38, SD = 1.32). The collaboration factor did not differ across agencies from urban, suburban, or rural counties; however, agencies from rural counties reported higher levels of collaboration with county health departments (mean = 3.15, SD = 2.00) than did agencies from suburban (mean = 2.42, SD = 1.85) or urban (mean = 2.38, SD = 2.05) counties ($p < 0.05$).

Table YA-4
Frequency of agency collaboration on enforcing policies
to reduce YA to tobacco, during the last 12 months

	<i>Mean (SD)*</i>	<i>Ever **</i> <i>(% agencies)</i>	<i>Valid N</i>
a. County health department (e.g., local tobacco control programs)	2.63 (2.00)	53	262
b. Local government officials (e.g., city council, code enforcement, DA)	2.49 (1.74)	60	261
c. Voluntary health organizations (e.g., American Cancer Society)	1.64 (1.23)	32	260
d. Educational organizations (e.g., local schools)	3.13 (2.15)	62	263
e. Merchant and business organizations (e.g., Chamber of Commerce)	1.94 (1.39)	45	260
f. Tobacco prevention coalitions	2.28 (1.85)	44	261
g. Other (e.g., merchants, Probation Department)	2.90 (2.51)	43	30

* 1= Never, 7 = Very Often

** Ever is any valid response other than "Never"

Training. In late 2001, CDHS/TCS used the Tobacco Master Settlement Agreement to fund 16 law enforcement agencies or other organizations with code enforcement authority to conduct local enforcement of state and local tobacco control laws addressing YA and SHS. In October 2002, three of these enforcement agencies had their funding augmented to provide PC § 308 (a) training and technical assistance to other interested law enforcement agencies and prosecuting attorneys throughout the state of California. As a result, a total of approximately 400 personnel from 75 law enforcement agencies attended ten county or regional trainings and two statewide PC § 308 (a) enforcement trainings conducted during the period October 2002 through December 2003. The 2004 enforcement survey was completed by 65 main enforcement agencies (24%) that had attended at least one of these PC § 308 (a) trainings. The rate of training attendance did not differ significantly across agencies from urban (29%), suburban (20%), or rural (22%) counties.

Funding. Agencies were asked to indicate all sources of funding for enforcement activities during calendar year 2003. Funding was received from state law enforcement (12% of 284 responding agencies) or federal law enforcement sources (12%) equally. Agencies also reported receiving funds from CDHS/TCS (7%) and local health departments (5%). One agency reported receiving funding from the local tobacco retail licensing program.

Multivariate Analyses. Table YA-5 presents findings from logistic regression analyses using data from the second wave of IE enforcement agency surveys in 1998 (as reported by Howard et al. 2001), and data from our 2004 survey. In 1998, three of six variables measured were statistically independent predictors of whether compliance checks were conducted: belief that the youth tobacco access issue is important ($p < 0.01$), lower perceived barriers to enforcement ($p < 0.01$), and perceptions of greater collaboration with other groups on enforcing YA policies ($p < 0.01$).

Table YA-5
Associations between independent enforcement variables and whether compliance checks (1998) or decoy operations (2004) were conducted

<i>Independent Variables</i>	<i>Survey Year</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Importance of problem	1998	2.08	1.19 – 3.70	< 0.01
	2004	1.61	0.98 – 2.62	0.06
Relative importance of enforcement	1998	1.26	0.95 – 1.68	0.11
	2004	0.97	0.76 – 1.24	0.80
Retailer compliance	1998	0.94	0.67 – 1.31	0.70
	2004	---		
Barriers to enforcement	1998	0.45	0.30 – 0.67	< 0.01
	2004	0.81	0.58 – 1.12	0.21
Collaboration	1998	1.52	1.17 – 1.97	< 0.01
	2004	1.71	1.30 – 2.29	< 0.01
Effectiveness of YA laws	1998	1.13	0.75 – 1.72	0.58
	2004	1.38	0.94 – 2.03	0.10
Training for local enforcement	1998	---		
	2004	2.57	1.23 – 5.39	< 0.05
Funding for local enforcement	1998	---		
	2004	4.66	1.45 – 14.70	< 0.01

NOTE: 1998 data are from 182 agencies in IE, as reported by Howard et al., *Prev Med.* 2001; 33(2):63-70; 2004 analyses include non-missing data from 227 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: $p = 0.93$ (1998); $p = 0.26$ (2004).

In 2004, three of seven variables measured were statistically independent predictors of whether decoy operations were conducted: perceptions of greater collaboration with other groups on enforcing youth access policies ($p < 0.01$), participation in any training for local enforcement ($p < 0.05$), and receipt of any funding for local enforcement ($p < 0.01$). The 1998 IE logistic regression model did not account for a large proportion of the variance (Howard et al. 2001); however, the 2004 model explained 38% of the variance in whether decoy operations were conducted in the previous 12 months.

Plans for Youth Access Enforcement

In 2004, agencies were asked to rate their agreement with the statement: “In the next six months, my agency will be actively enforcing PC § 308(a).” Statewide, agencies somewhat agreed with this statement (mean = 3.37 on a 7-point scale where 1 = “strongly disagree” and 7 = “strongly agree”). There were no differences in ratings of this variable among agencies from urban, suburban, or rural counties.

Results: Enforcement of Secondhand Smoke Laws

In this section we present our findings from the 2004 statewide survey of agencies charged with enforcement of laws protecting people from exposure to SHS: LC § 6404.5, which requires that smoking be prohibited in virtually all enclosed places of employment; HSC § 104495, which prohibits smoking and cigarette disposal in playgrounds and tot lots; and GC § 7596-7598 (also known as Assembly Bill [AB] 846), which prohibits smoking within 20 feet of government building entrances, exits, and operable windows.

California SHS laws are enforced by a variety of local agencies including county health departments, police and sheriff departments, fire departments, code enforcement officers, building officials, and others. Each jurisdiction (municipality or county) typically designates one agency to be responsible for enforcement; however, in some jurisdictions more than one agency has responsibility. Data is reported in this section only for one main agency per jurisdiction, and for only those agencies responsible for enforcement of LC § 6404.5, HSC § 104495, or GC § 7596-7598, as appropriate. We also report trends in SHS law enforcement among the subset of enforcement agencies surveyed in 2004 that are also in the 18 focal counties of the 1996 to 2000 IE.

Enforcement of LC § 6404.5 — Smoke-free Workplaces (Excluding Bars)

Current Enforcement Activities. Table SHS-1 shows that the majority of enforcement agencies conducted compliance checks (57% of responding agencies statewide) and responded to inquiries and complaints (both 53%) to enforce LC § 6404.5 provisions governing restaurants and other indoor workplaces during one year prior to the 2004 survey. Nearly half (47%) also educated owners and others about LC § 6404.5. Relatively few agencies issued fines (11%) or citations (20%) in response to violations detected. Almost two-thirds of agencies statewide (64%) reported conducting at least one SHS enforcement activity during the year prior to survey completion, which did not differ significantly among agencies located in Local Lead Agency (LLA)-designated urban (66%), suburban (70%), or rural (56%) counties ($p = 0.26$).

Figure SHS-1 displays rates for specific SHS enforcement activities in workplaces (excluding bars) for agencies located in urban, suburban, and rural counties. As compared to agencies in urban and suburban counties, significantly fewer rural-county agencies reported that they had responded to any inquiries ($p < 0.01$), responded to any complaints ($p < 0.01$), issued any warnings ($p = 0.02$), or issued any citations ($p = 0.02$) for violations of LC § 6404.5. There were no differences in the percent of agencies issuing any fines or conducting any compliance checks across urban, suburban, or rural counties.

Among the 149 agencies stating that they issue LC § 6404.5 citations, only 10% reported having issued at least one citation in the previous year. The average number of citations issued by these 15 agencies was 4.9 (SD = 11.71), with no significant differences among urban, suburban, or rural agencies. Nearly all citations issued, however, were prosecuted (mean = 4.27, SD = 11.88).

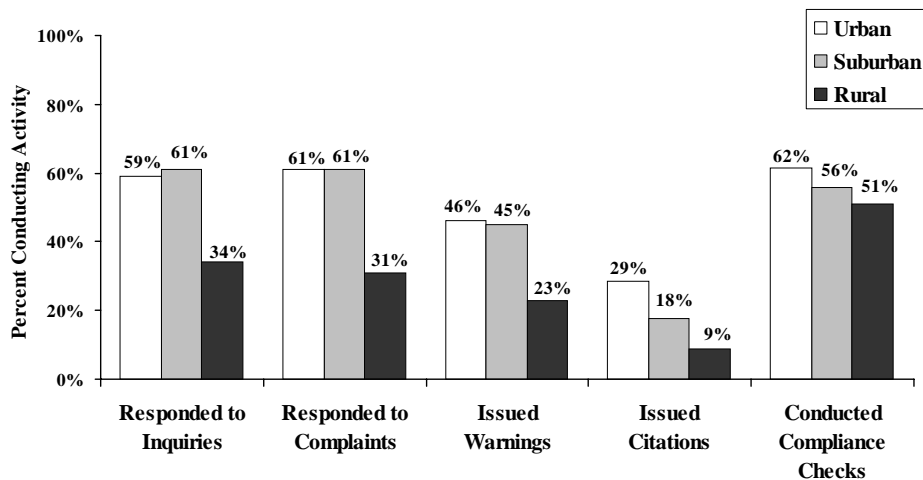
Table SHS-1
Frequency of enforcement activities related to LC § 6404.5
conducted by agency, during the last year

		<i>Ever **</i>	
	<i>Mean (SD)*</i>	<i>(% agencies)</i>	<i>Valid N</i>
a. Responded to inquiries	2.26 (1.70)	53	181
b. Responded to complaints	2.22 (1.66)	53	187
c. Issued warnings	1.88 (1.52)	40	186
d. Issued citations	1.51 (1.26)	20	180
e. Issued fines	1.27 (0.90)	11	165
f. Conducted compliance checks	2.60 (1.95)	57	188
g. Educated owners about LC § 6404.5	2.36 (1.91)	47	173
h. Educated others about LC § 6404.5	2.27 (1.86)	47	173
i. Other (e.g., training officers)	2.09 (2.43)	18	11

* 1= Never, 2 = Rarely, 7 = Very Often

** Ever is any valid response other than "Never"

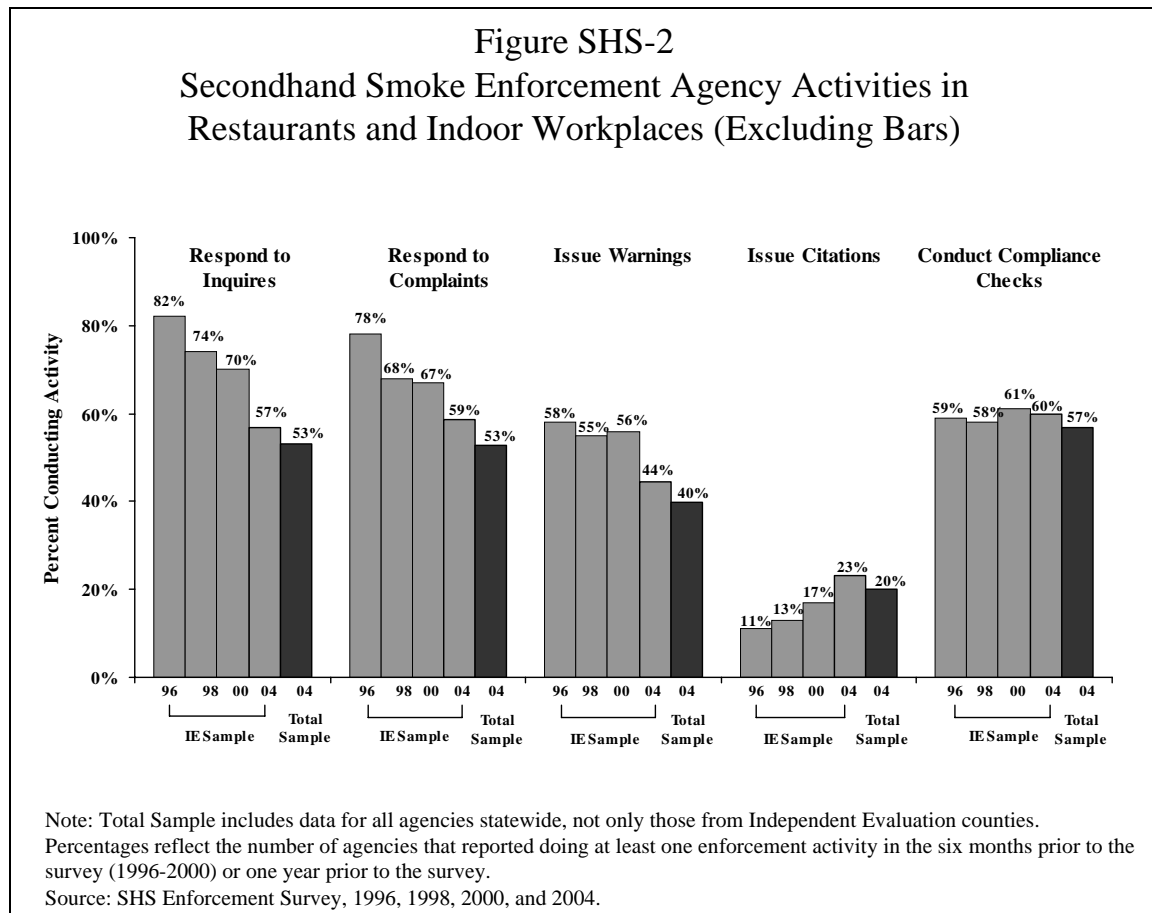
Figure SHS-1
Secondhand Smoke Enforcement Activities in
Indoor Workplaces for Agencies in Urban, Suburban, and Rural Counties



Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the year prior to the survey.

Source: SHS Enforcement Survey 2004.

Trends in Enforcement. Figure SHS-2 presents data on specific workplace SHS enforcement activities reported by IE across its three survey waves (1996, 1998, and 2000). We also include 2004 data on workplace SHS enforcement activities for agencies only from the 18 focal IE counties, as well as from all agencies statewide. As may be seen, IE-county agencies in 2004 reported slightly (but non-significantly) higher rates of most specific enforcement activities than did the entire 2004 statewide sample.



IE detected significant decreases in certain SHS enforcement activities from 1996 to 2000, and these declines continued through the 2004 survey. Specifically, significant differences across all four survey waves are evident for the percent of agencies that responded to any inquiries ($p < 0.01$), responded to any complaints ($p < 0.01$), or issued any warnings ($p < 0.01$) for violations of LC § 6404.5. (Note that Figure SHS-2 displays cross-sectional findings for each wave, but our analysis of differences includes only enforcement agencies for which there are valid data across all four survey waves.) No significant differences over time were found for the percent of agencies issuing any citations ($p = 0.61$) or conducting compliance checks ($p = 0.16$).

Predictors of Enforcement. We looked at various factors that have in the past been shown to be predictors of local enforcement activities related to LC § 6404.5, including: relative seriousness of SHS as a community problem; relative importance of enforcement of SHS laws; perceived compliance with SHS laws; beliefs about the barriers to

conducting enforcement operations of SHS laws; beliefs about the barriers to achieving compliance with LC § 6404.5; and the extent of enforcement agency collaboration with other groups on enforcing SHS laws.

Seriousness of SHS problem. Compared to other community problems, most agencies believe that it is “not at all serious” (24%) or only “somewhat serious” (34%) that non-smokers breathe other people’s smoke when in indoor public areas such as restaurants and workplaces. Only 20% of the 183 agencies providing valid responses to this question rated the SHS problem as “very serious” compared to other problems. There were no differences in ratings of the relative seriousness of SHS as a community problem among urban, suburban, or rural agencies.

Importance of enforcement. Compared to other laws enforced by respondent agencies, enforcement of laws that prohibit smoking in indoor public areas is only moderately important (mean = 4.42 on a 7-point scale where 1 = “not at all important” and 7 = “very important”, SD = 1.95). This variable did not differ across agencies from urban, suburban, or rural counties. These statewide results are similar to what was found in the 2000 SHS enforcement agency survey for agencies from the 18 focal IE counties (mean = 4.50).

Perceived compliance. Nearly all enforcement agencies (95%) believe that workplaces are compliant with SHS laws (mean = 6.44 on a 7-point scale, SD = 0.86). This variable did not differ significantly across agencies from urban, suburban, or rural counties, and these statewide results are also nearly identical to that found in the previous SHS enforcement agency survey waves in IE.

Barriers to enforcement. Statewide, two issues ranked as the top barriers to agencies conducting enforcement activities related to SHS laws: limited staff (mean = 4.90 on a 7-point scale with 1 = “not at all a barrier” and 7 = “a large barrier”); and insufficient budget (mean = 4.12) (see Table SHS-2). Low community priority (mean = 2.96) and lack of support from community leaders (mean = 2.14) were lower-rated barriers to enforcement.

The mean of all barriers to enforcement items was calculated as a factor for use in multivariate analyses (mean = 3.51, SD = 1.72). Interestingly, agencies from rural counties report, on average, significantly higher perceived barriers to enforcement (mean = 4.12, SD = 1.68) than agencies from suburban (mean = 3.44, SD = 1.72) or urban (mean = 3.18, SD = 1.67) counties ($p < 0.01$). Each specific barrier to enforcement (e.g., insufficient funding, limited staff, low community priority, and lack of support from community leaders), was also rated as a significantly larger barrier by rural agencies than by suburban or urban agencies.

Table SHS-2
Perceived extent of barriers to enforcing
SHS/clean indoor air laws

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. No money in our budget	4.12 (2.51)	196
b. Limited staff	4.60 (2.37)	198
c. Not a priority in our community	2.96 (2.00)	194
d. Lack of support from community leaders	2.14 (1.65)	192
e. Other (e.g., lack of training, no complaints)	4.05 (2.79)	22

* 1= Not at all a barrier, 7 = A large barrier

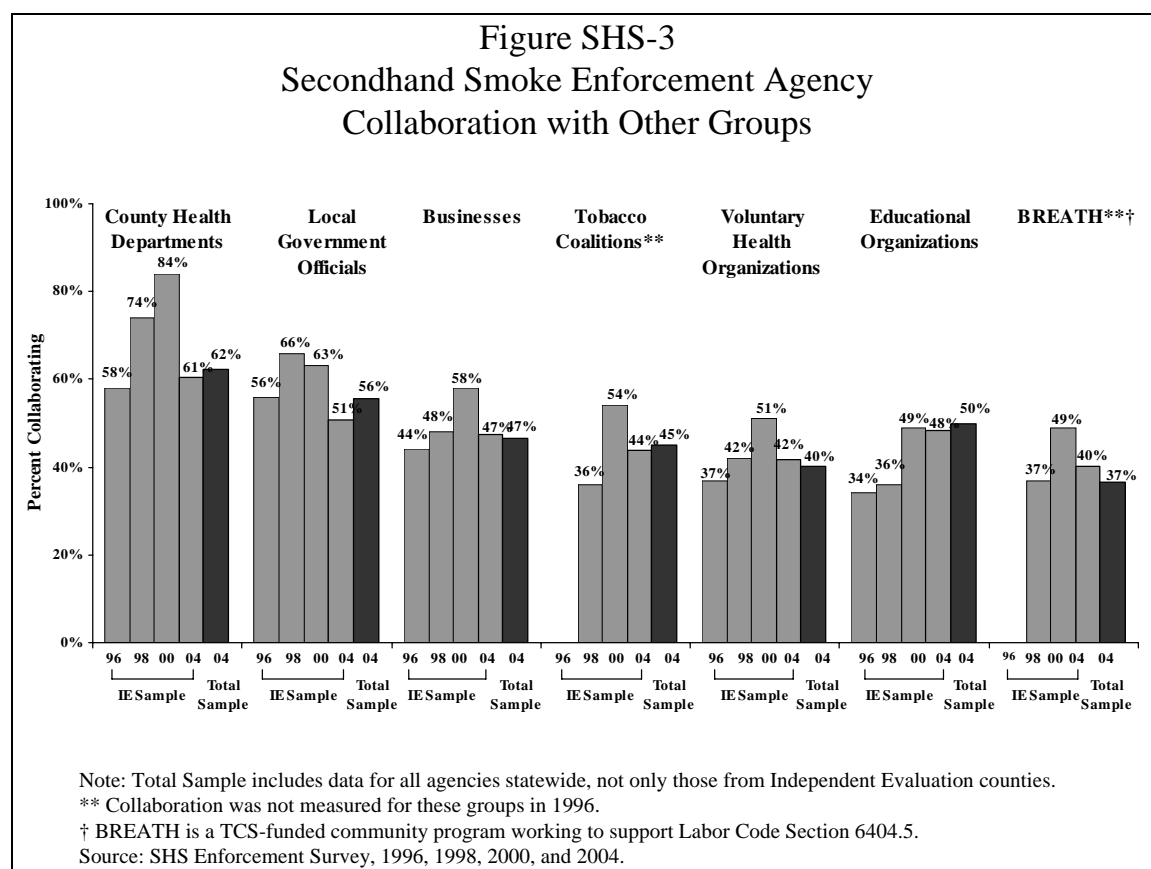
Barriers to compliance. None of the barriers to achieving compliance contained in the survey was rated especially high by agencies statewide (see Table SHS-3). None of the individual barriers differed significantly among agencies from urban, suburban, or rural counties. We calculated the mean of all barriers to compliance items for use in multivariate analyses (mean = 2.34, SD = 1.33), and this value did not differ by county type.

Table SHS-3
Perceived extent of barriers to achieving compliance
with LC § 6404.5

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. Insufficient enforcement operations conducted	2.95 (2.15)	195
b. Fines/penalties are insufficient deterrents	2.43 (1.89)	190
c. Exemptions, such as owner-operated bars and worksite with five or fewer employees, create an uneven playing field	2.46 (1.94)	193
d. Lack of signage posted for English-speakers	1.73 (1.33)	190
e. Lack of signage posted for Spanish-speakers	1.81 (1.40)	190
f. Lack of awareness among worksites regarding the requirements of the law	2.12 (1.64)	191
g. Lack of stories in the local media supporting and/or covering results of enforcement operations	2.45 (1.88)	191
h. Other (e.g., lack of training, no complaints)	5.57 (2.51)	7

* 1= Not at all a barrier, 7 = A large barrier

Collaboration. As compared to the findings from the 2000 IE SHS enforcement survey, agencies in 2004 reported generally lower rates of collaboration with all other groups on education or enforcement of SHS laws (see Figure SHS-3). Rates of collaboration with county or state health departments, which according to IE grew over the period 1996 to 2000, reversed significantly in 2004 among agencies in the 18 focal IE counties with valid data across all four survey waves ($p < 0.01$). No other specific collaborations among agencies in IE focal counties showed statistically significant differences across survey waves.



Although collaboration rates have declined, most enforcement agencies statewide in 2004 reported that they have collaborated at least once in the past year with county or state health departments, which includes local tobacco control programs (62% of agencies reporting), other law enforcement agencies (57%), and local government officials (56%) (see Table SHS-4). Only about one-third of agencies (37%) reported that they had collaborated with BREATH

Table SHS-4
**Frequency of agency collaboration on education or enforcement
of secondhand smoke/clean indoor air laws, during the last year**

		<i>Ever **</i>	
	<i>Mean (SD)*</i>	<i>(% agencies)</i>	<i>Valid N</i>
a. County or state health department (e.g., local tobacco control programs)	2.90 (1.96)	62	199
b. Local government officials (e.g., city council, board of supervisors)	2.37 (1.69)	56	200
c. Voluntary health organizations (e.g., American Cancer Society)	2.05 (1.65)	40	199
d. Educational organizations (e.g., local schools)	2.43 (1.86)	50	198
e. Businesses (e.g., restaurant associations)	2.09 (1.56)	47	200
f. Tobacco control coalitions	2.30 (1.85)	45	200
g. BREATH	2.09 (1.77)	37	197
h. Other law enforcement agencies (e.g., fire department, code enforcement, city manager)	2.62 (1.89)	57	195
i. Other (e.g., DA's office, Park Ranger)	3.50 (2.37)	80	10

* 1= Never, 7 = Very Often

** Ever is any valid response other than "Never"

We calculated the mean of all barriers to compliance items for use in multivariate analyses (mean = 2.38, SD = 1.38, n = 202). The collaboration factor did not differ across agencies from urban, suburban, or rural counties, nor did any of the individual collaboration items listed in Table SHS-4.

Multivariate analyses. In the multivariate analyses the degree to which the above six variables/factors were independent predictors of three different dependent variables were assessed: whether agencies engaged in any type of SHS enforcement activity in the previous six months (as enumerated in Table SHS-1); whether agencies engaged in any high-level SHS enforcement activity in the previous six months (any Table SHS-1 enforcement activity except educating owners or educating others); and whether agencies conducted any compliance checks during the previous six months. Results of these analyses were generally comparable, so only on predictors of SHS compliance check activities in workplaces are reported, excluding bars.

Table SHS-5 presents findings from logistic regression analyses using data from 156 agencies statewide. Two of six variables measured were statistically independent predictors of whether compliance checks were conducted in the previous six months: greater relative importance of enforcement of laws that prohibit smoking in indoor public areas such as restaurants and workplaces ($p < 0.01$), and more frequent collaboration with other groups on enforcing SHS laws ($p < 0.01$). This model, however, explained only 21% of the variance in whether SHS compliance checks were conducted in the previous six months.

Table SHS-5
Associations between independent variables and whether any
SHS compliance checks were conducted in workplaces (excluding bars)

<i>Independent Variables</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Relative seriousness of SHS problem	0.80	0.53 – 1.20	0.28
Relative importance of enforcement	1.40	1.11 – 1.77	< 0.01
Perceived compliance	0.86	0.54 – 1.37	0.54
Barriers to enforcement	1.01	0.79 – 1.29	0.94
Barriers to compliance	1.20	0.86 – 1.67	0.28
Collaboration on enforcement	1.53	1.13 – 2.07	< 0.01

NOTE: Analyses include non-missing data from 156 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: $p = 0.43$.

Enforcement of LC § 6404.5 — Smoke-free Bars

Current Enforcement Activities. Enforcement of the smoke-free bar provision of LC § 6404.5 appears to be at a higher rate than agency activities to enforce non-bar provisions of the law. Table SHS-6 shows that most enforcement agencies conducted compliance checks (72% of responding agencies statewide), responded to complaints (67%), responded to inquiries (61%), educated bar owners (59%), and others (56%) about the law, and issued warnings (54%) during the six months prior to the 2004 survey. Relatively few agencies issued citations (32%) or fines (19%) in response to violations detected. Three quarters of agencies statewide (76%) reported conducting at least one bar SHS enforcement activity during the previous six months, which did not differ significantly among agencies located in urban (75%), suburban (82%), or rural (69%) counties ($p = 0.24$).

Table SHS-6
Frequency of enforcement activities related
to the smoking ban in bars, during the last six months

	<i>Mean (SD)*</i>	<i>Ever ** (% agencies)</i>	<i>Valid N</i>
a. Responded to inquiries	2.60 (1.87)	61	173
b. Responded to complaints	2.61 (1.82)	67	180
c. Issued warnings	2.17 (1.58)	54	174
d. Issued citations	1.91 (1.68)	32	172
e. Issued fines	1.49 (1.28)	19	150
f. Conducted compliance checks	3.37 (2.22)	72	180
g. Educated bar owners about LC § 6404.5	2.73 (2.01)	59	177
h. Educated others about LC § 6404.5	2.63 (1.95)	56	172
i. Other (e.g., no complaints)	3.43 (3.05)	43	7

* 1= Never, 2 = Rarely, 7 = Very Often

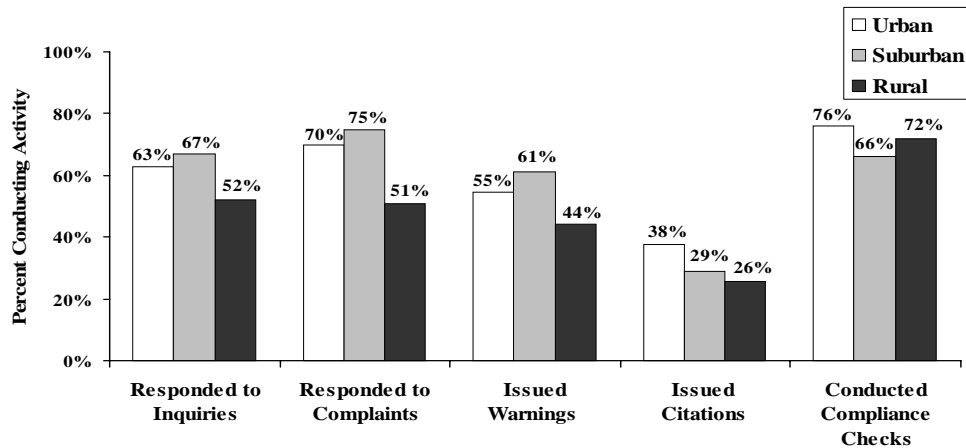
** Ever is any valid response other than "Never"

Stand-alone and in-restaurant bars were reported to be in the jurisdiction of 195 enforcement agencies that responded to the 2004 survey. Agencies in urban counties (as designated by the local health department) reported a significantly higher concentration of bars than did agencies in suburban or rural counties (Chi-squared = 24.89, $p < 0.01$). Figure SHS-4 displays rates for specific SHS enforcement activity in bars for agencies located in urban, suburban, and rural counties. As compared to agencies in urban and suburban counties, significantly fewer agencies in rural counties reported that they had responded to any complaints ($p < 0.05$). All other enforcement activity rates were not significantly different among urban, suburban, or rural agencies.

Among the 146 agencies stating that they issued any LC § 6404.5 smoke-free bar citations, 14% reported having issued at least one citation for a restaurant/bar violation in the previous six months. The average number of citations issued by these 20 agencies was 5.15 (SD = 5.23), with no significant differences among urban, suburban, or rural agencies. Nearly all citations issued, however, were prosecuted (mean = 4.47, SD = 3.94).

Only 18% of agencies reported that they issued any LC § 6404.5 smoke-free bar citations for violations in stand-alone bars during the previous six months. The average number of citations issued by these 26 agencies was 7.35 (SD = 8.31), with no significant differences among urban, suburban, or rural agencies. Again, nearly all citations issued were prosecuted (mean = 7.37, SD = 9.17).

Figure SHS-4
Secondhand Smoke Enforcement Activities in Bars
for Agencies in Urban, Suburban, and Rural Counties

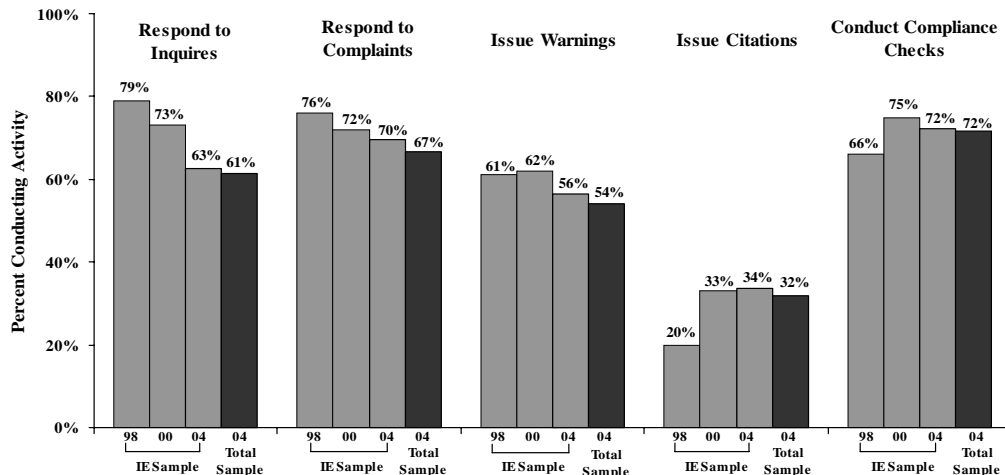


Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the six months prior to the survey.
Source: SHS Enforcement Survey 2004.

Interestingly, agencies in rural counties estimated that none of the citations issued for violations of the LC § 6404.5 smoke-free bar provision were given to bar patrons, while an estimated 19% of the citations issued in urban counties and 12% of the citations issued in suburban counties were given to patrons ($p < 0.05$). There was no statistically significant difference in the estimated percentage of citations issued to bar owners or employees across agencies in urban (mean = 11%), suburban (mean = 16%), or rural (mean = 17%) counties.

Trends in Enforcement. Figure SHS-5 presents data on specific smoke-free bar enforcement activities reported by IE across two survey waves (1998 and 2000). Also included are 2004 data on smoke-free bar enforcement activities for all agencies statewide and agencies from the focal IE counties. In 2004, agencies from IE focal counties reported nonsignificantly different rates of engaging in specific enforcement activities than did the entire 2004 statewide sample, and there were no significant IE versus non-IE differences in 2004.

Figure SHS-5
Secondhand Smoke Enforcement Agency Activities in Bars



Note: Total Sample includes data for all agencies statewide, not only those from Independent Evaluation counties. Percentages reflect the number of agencies that reported doing at least one instance of enforcement in the six months prior to the survey.
Source: SHS Enforcement Survey, 1998, 2000, and 2004.

IE detected no significant differences in smoke-free bar enforcement activities from 1998 to 2000. Among agencies from IE focal counties that were surveyed in all three waves (1998, 2000, and 2004), significantly fewer agencies responded to any inquiries in the six months prior to the 2004 survey than did earlier ($p < 0.01$). No significant differences over time were detected in the percentage of agencies that responded to complaints ($p = 0.52$), issued warnings ($p = 0.14$), issued citations ($p = 0.22$), or conducted compliance checks ($p = 0.20$). (Note that Figure SHS-4 displays cross-sectional findings for each wave, but our analysis of differences includes only enforcement agencies for which there are valid data across all three survey waves.)

Predictors of Enforcement. Most of the factors that have in the past been shown to be predictors of local enforcement of smoke-free bar laws are the same as those used to predict enforcement of the non-bar provisions of LC § 6404.5: relative seriousness of SHS as a community problem; beliefs about the barriers to conducting enforcement operations of SHS laws; beliefs about the barriers to achieving compliance with SHS laws; and the extent of enforcement agency collaboration with other groups on enforcing SHS laws. Each of these variables/factors has been described above as predictors of enforcement of the non-bar provisions of LC § 6404.5. In addition to these items, we asked about two specific predictors of smoke-free bar enforcement: relative importance of enforcement of smoke-free bar laws; and perceived compliance with smoke-free bar laws.

Importance of enforcement. Compared to other laws enforced by respondent agencies, enforcement of laws that prohibit smoking in bars specifically is only moderately important (mean = 4.30 on a 7-point scale where 1 = “not at all important” and 7 = “very important”, SD = 1.88). This variable did not differ across agencies from urban, suburban, or rural counties. These statewide results are similar to what was found in the 2000 SHS enforcement agency survey for agencies from the 18 focal IE counties (mean = 4.2).

Perceived compliance. Most enforcement agencies (85%) believe that workplaces are compliant with SHS laws (mean = 5.93 on a 7-point scale, SD = 1.27, n = 187). This variable did not differ significantly across agencies from urban, suburban, or rural counties, and these statewide results are also nearly identical to those found in the 1998 and 2000 SHS enforcement agency survey waves of IE.

Multivariate analyses. In our multivariate analyses of smoke-free bar enforcement data we looked at the degree to which the above six variables/factors were independent predictors of three different dependent variables: whether agencies engaged in any type of smoke-free bar enforcement activity in the previous six months (as enumerated in Table SHS-6); whether agencies engaged in any high-level SHS enforcement activity in the previous six months (any enforcement activity except educating bar owners or educating others); and whether agencies conducted any compliance checks in bars during the previous six months. Results of these analyses were generally comparable, so we report here only on predictors of SHS compliance check activities in bars.

Table SHS-7 presents findings from logistic regression analyses using data from 144 agencies statewide. Two of six variables measured were statistically independent predictors of whether compliance checks were conducted in the previous six months: greater relative seriousness of SHS as a community problem ($p = 0.05$), and more frequent collaboration with other groups on enforcing SHS laws ($p < 0.01$). This model explained only 29% of the variance in whether compliance checks were conducted in bars during the previous six months.

Table SHS-7
Associations between independent variables and
whether any SHS compliance checks were conducted in bars

<i>Independent Variables</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Relative seriousness of problem	0.61	0.37 – 0.99	0.05
Relative importance of enforcement	1.03	0.76 – 1.39	0.84
Perceived compliance	0.65	0.41 – 1.05	0.08
Barriers to enforcement	1.08	0.80 – 1.46	0.60
Barriers to compliance	1.07	0.72 – 1.61	0.72
Collaboration on enforcement	2.56	1.47 – 4.45	< 0.01

NOTE: Analyses include non-missing data from 144 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: $p = 0.70$.

Enforcement of HSC § 104495 — Smoke-free Playgrounds and Tot Lots

Current Enforcement Activities. As of January 1, 2003, smoking within 25 feet of a playground or a tot lot sandbox was prohibited in California under HSC § 104495. Fewer than half of agencies statewide (42%) reported conducting any HSC § 104495-related enforcement activities in the year prior to the 2004 survey. The activity rate did not differ significantly among agencies located in LLA-designated urban (38%), suburban (55%), or rural (34%) counties ($p = 0.08$).

Table SHS-8 shows that relatively few local agencies conducted any specific enforcement activities related to HSC § 104495 during the previous year. A minority of agencies conducted compliance checks (37% of responding agencies statewide) and responded to inquiries (34%) and complaints (31%), and even fewer educated other agencies about the law (21%) or issued warnings (17%). Only 10 agencies (7%) reported issuing any citations, and only three reported issuing any fines (2%) during the previous year. Only responses to inquiries differed across county types, with a higher percentage of agencies in suburban counties (48%) responding to inquiries than agencies in urban (32%) or rural (23%) counties ($p < 0.05$).

Table SHS-8
Frequency of enforcement activities conducted by agency related to smoke-free playgrounds and tot lots, during the last year

		<i>Ever **</i>	
	<i>Mean (SD)*</i>	<i>(% agencies)</i>	<i>Valid N</i>
a. Responded to inquiries	1.61 (1.18)	34	148
b. Responded to complaints	1.54 (1.12)	31	145
c. Issued warnings	1.26 (0.70)	17	142
d. Issued citations	1.13 (0.54)	7	142
e. Issued fines	1.02 (0.15)	2	132
f. Conducted compliance checks	1.92 (1.58)	37	142
g. Educated other agencies about HSC § 104495	1.51 (1.24)	21	140
i. Other (e.g., no complaints)	3.00 (3.46)	33	3

* 1= Never, 2 = Rarely, 7 = Very Often

** Ever is any valid response other than "Never"

Predictors of Enforcement. We looked at various factors that may be predictors of local enforcement activities related to HSC § 104495, including: relative seriousness of smoking and cigarette litter in playgrounds and tot lots as a community problem; relative importance of enforcement of playground smoking/cigarette litter laws; perceived compliance with playground smoking/cigarette litter laws; beliefs about the barriers to conducting enforcement operations of these laws; beliefs about the barriers to achieving compliance with HSC § 104495; and the extent of enforcement agency collaboration with other groups on enforcing playground smoking/cigarette litter laws.

Seriousness of the problem. Compared to other community problems, most agencies believe that the issue of smoking and cigarette litter in playgrounds and tot lots is "not at all serious" (33%) or only "somewhat serious" (31%). Only 11% of the 163 agencies providing valid responses to this question rated the problem as "very serious" compared to other problems. There were no differences in ratings of the relative seriousness of this problem among urban, suburban, or rural agencies.

Importance of enforcement. Compared to other laws enforced by respondent agencies, enforcement of playground smoking/cigarette litter laws is only moderately important (mean = 4.50 on a 7-point scale where 1 = "not at all important" and 7 = "very important", SD = 1.99, n = 156). This variable did not differ across agencies from urban, suburban, or rural counties.

Perceived compliance. Most enforcement agencies (87%) believe that people in their jurisdiction are compliant with playground smoking/cigarette litter laws (mean = 6.03 on a 7-point scale, SD = 1.27, n = 123). This variable did not differ significantly across agencies from urban, suburban, or rural counties.

Barriers to enforcement. Statewide, two issues ranked as the top barriers to agencies conducting enforcement activities related to playground smoking/cigarette litter laws: limited staff (mean = 4.07 on a 7-point scale with 1 = “not at all a barrier” and 7 = “a large barrier”); and insufficient budget (mean = 3.82) (see Table SHS-9). Low community priority (mean = 2.75) and lack of support from community leaders (mean = 2.19) were lower-rated barriers to enforcement.

Table SHS-9
Perceived extent of barriers to enforcing
playground smoking/cigarette litter laws

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. No money in our budget	3.82 (2.53)	159
b. Limited staff	4.07 (2.51)	162
c. Not a priority in our community	2.75 (1.94)	155
d. Lack of support from community leaders	2.19 (1.74)	155
e. Other (e.g., lack of need, no enforcement money)	3.75 (2.87)	8

* 1= Not at all a barrier, 7 = A large barrier

The mean of all barriers to enforcement items was calculated as a factor for use in multivariate analyses (mean = 3.27, SD = 1.83). Agencies from urban counties report, on average, significantly lower perceived barriers to enforcement (mean = 2.86, SD = 1.81) than agencies from suburban (mean = 3.33, SD = 1.82) or rural (mean = 3.85, SD = 1.77) counties ($p < 0.05$). Agencies from urban counties also rated insufficient funding and limited staff as significantly lower barriers than agencies from suburban or rural agencies ($p < 0.01$ and $p < 0.05$, respectively).

Barriers to compliance. None of the barriers to achieving compliance with playground smoking/cigarette litter laws was rated especially high by agencies statewide (see Table SHS-10); however, agencies from rural counties report, on average, significantly higher perceived barriers to enforcement due to insufficient fines/penalties ($p < 0.05$), lack of awareness among English speakers ($p < 0.05$), and Spanish speakers ($p < 0.01$), and lack of local media coverage about the law ($p < 0.05$). We calculated the mean of all barriers to compliance items for use in multivariate analyses (mean = 2.69, SD = 1.72), and agencies from rural counties (mean = 3.30, SD = 1.76) were significantly higher on this factor than agencies from urban (mean = 2.45, SD = 1.61) or suburban (mean = 2.46, SD = 1.72) counties ($p < 0.05$).

Table SHS-10
Perceived extent of barriers to achieving compliance with
laws that prohibit smoking and cigarette litter at playgrounds

	Mean (SD)*	Valid N
a. Insufficient enforcement operations conducted	3.12 (2.26)	160
b. Fines/penalties are insufficient deterrents	2.27 (1.83)	156
c. Lack of signage posted for English speakers	2.35 (1.77)	156
d. Lack of signage posted for Spanish speakers	2.41 (1.78)	157
e. Lack of awareness among English speakers	2.54 (1.94)	156
f. Lack of awareness among Spanish speakers	2.72 (2.00)	157
g. Lack of stories in the local media about the law	2.92 (2.12)	156
h. Other (e.g., no enforcement money)	4.33 (3.06)	3

* 1= Not at all a barrier, 7 = A large barrier

Collaboration. Relatively few enforcement agencies reported having ever worked with other individuals or groups on education or enforcement of smoke-free playgrounds and tot lot laws during the previous year (see Table SHS-11). The mean of all collaboration items was calculated as a factor for use in multivariate analyses (mean = 1.76, SD = 1.15). Neither this collaboration factor nor any individual collaboration item differed significantly across agencies from urban, suburban, or rural counties.

Table SHS-11
Frequency of collaboration on education or enforcement
of smoke-free playgrounds and tot lots laws, during the last year

		<i>Ever **</i>	
	<i>Mean (SD)*</i>	<i>(% agencies)</i>	<i>Valid N</i>
a. County or state health department (e.g., local tobacco control programs)	1.89 (1.46)	38	159
b. Local government officials (e.g., city council, board of supervisors)	1.96 (1.43)	44	161
c. Voluntary health organizations (e.g., American Cancer Society)	1.60 (1.19)	29	161
d. Educational organizations (e.g., local schools)	1.93 (1.57)	36	161
e. Businesses (e.g., restaurant associations)	1.52 (1.11)	26	161
f. Tobacco control coalitions	1.76 (1.53)	29	160
g. BREATH	1.53 (1.22)	24	160
h. Other law enforcement agencies (e.g., fire department, code enforcement, city manager)	1.80 (1.45)	34	158
i. Other	2.50 (3.00)	25	4

* 1= Never, 7 = Very Often

** Ever is any valid response other than "Never"

Multivariate analyses. Because HSC § 104495 is a relatively new law, we focused our multivariate analysis on whether agencies engaged in *any* type of playground smoking/cigarette litter law enforcement activity in the previous year (as enumerated in Table SHS-8). Table SHS-12 presents findings from a logistic regression analysis using data from 110 agencies statewide. Two of six variables measured were statistically independent predictors of whether any playground smoking/cigarette litter law enforcement activity was conducted in the previous year: greater perceived barriers to enforcement ($p < 0.05$), and more frequent collaboration with other groups on enforcing SHS laws ($p < 0.01$). This model explained only 30% of the variance in whether any playground smoking/cigarette litter law enforcement activity was conducted during the previous year.

Table SHS-12
Associations between independent variables and whether any enforcement activities were conducted regarding the playground and tot lot smoking/cigarette litter law

<i>Independent Variables</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Relative seriousness of problem	0.86	0.50 – 1.47	0.57
Relative importance of enforcement	1.19	0.89 – 1.59	0.24
Perceived compliance	0.86	0.58 – 1.27	0.44
Barriers to enforcement	1.41	1.01 – 1.97	< 0.05
Barriers to compliance	0.81	0.58 – 1.16	0.24
Collaboration on enforcement	2.39	1.37 – 4.17	< 0.01

NOTE: Analyses include non-missing data from 110 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: $p = 0.67$.

Enforcement of GC § 7596-7598 — Smoke-free Doorway and Window Areas

More than two-thirds (67%) of all agencies responded that they planned to enforce GC § 7596-7598 (AB 846), the law that went into effect January 1, 2004, and that bans smoking within 20 feet of main entrances, exits, and operable windows of municipal, county, regional, state buildings, and buildings of the University of California, California State University, and community colleges. Another 16% reported that they did not have plans to enforce this law, 15% reported that they were unaware of the law, and 2% reported that another agency is responsible for enforcing GC § 7596-7598. Because the law went into effect on January 1, 2004, no data was collected on enforcement agency activities. Future surveys will be necessary to determine how local agencies enforce this new law.

Discussion

Youth Access

The YA survey results indicate that enforcement agency actions have not changed much since the 2000 IE survey.

About 30% of enforcement agencies conducted youth decoy operations in 2004, as compared to about 35% in 2000, a nonsignificant decline but a decline nonetheless. The reduction in the percent of agencies actively enforcing PC § 308(a) is disappointing, given that CDHS/TCS has continued to expend resources to stimulate enforcement through funding augmentations, trainings, and technical assistance to law enforcement agencies. That this level of enforcement is statistically the same as what was reported in 2000, however, may be good news given the downturn in the economy and resulting cutbacks in local community services over the past several years.

Despite the low rates of decoy operations (arguably the most active type of YA enforcement), most agencies report that they issued warnings (78%) and citations (65%) to merchants selling tobacco products to minors in the previous 12 months. These findings are also roughly equivalent to earlier survey results reported in the IE.

Fewer than 10% of enforcement agencies report that warnings and citations were issued to merchants “often” or “very often.” Because agencies that reported conducting youth decoy operations averaged almost 11 operations per year and visited about 65% of the stores in their communities, the low rate of warnings and citations likely reflects the illegal sales rate estimated by the agencies (13%).

A very high proportion of law enforcement agencies reported that they issued warnings (82%) and citations (90%) to minors possessing tobacco products. There were no significant changes in these types of activities since the 2000 IE survey.

Regarding predictors of whether an agency enforced PC § 308, prior surveys found that a stronger belief that youth tobacco access was important, lower perceived barriers to enforcement, and perceptions of greater collaboration were significant predictors of whether an agency conducted youth decoy operations. In the 2004 survey, two predictors were added to the model: whether the agency received funding from CDHS/TCS, local tobacco retail licensing program, or a local health department; and whether the agency participated in PC § 308 training during the previous year. These two variables, in addition to greater collaboration with other agencies, were shown to be independent predictors of whether an agency conducted youth decoy operations. The findings confirm the importance of maintaining support for local agencies through funding and training.

Law enforcement agencies continue to rank various policies and procedures such as suspension/revocation of licenses, and civil and criminal penalties for owners and clerks, as effective strategies to reducing YA to tobacco. These findings may be useful to local programs attempting to strengthen YA laws in their communities, and may represent an opportunity for collaboration with their local law enforcement agencies on these efforts.

Secondhand Smoke

Enforcement of LC § 6404.5 — Smoke-free Workplaces (Excluding Bars). Almost two-thirds of enforcement agencies throughout California reported conducting at least one workplace-related SHS enforcement activity in late 2003 and early 2004. This level of activity did not change from what was reported from the 2000 survey conducted under IE. Over half the agencies reported in 2004 that they responded to inquiries and complaints, but relatively few agencies issued fines (11%) or citations (20%). Agencies in rural counties reported conducting significantly fewer enforcement activities than did agencies in urban and suburban counties of California.

A significantly higher proportion of agencies in the 18 focal counties included in IE reported having responded to any SHS complaints than did agencies in other California counties. An analysis of trends from 1996 to 2004, however, indicated continuing declines in the percent of agencies responding to complaints or issuing warnings for SHS law violations. Importantly, no significant changes over time were found for the percent of agencies conducting compliance checks or issuing citations over time.

Regarding predictors of whether an agency enforced the smoke-free workplace provision, most enforcement agencies perceived that the rate of compliance with workplace SHS laws is high. Significant predictors of whether enforcement activities were conducted is the relative importance of enforcing these laws compared to other laws and collaboration with other agencies. Of concern is that the level of enforcement agency collaboration with other groups is lower in 2004 than in previous years, although most enforcement agencies reported that they collaborated on enforcement activities at least once in the previous six months. Important barriers to enforcement continue to be limited staff and insufficient budget. On average, agencies from rural counties reported significantly higher barriers to enforcement than did those from urban and suburban counties.

Enforcement of LC § 6404.5 — Smoke-free Bar Provision. Levels of enforcement of the smoke-free bar provision is higher than for other workplace provisions included in LC § 6404.5. About three-quarters of the responding agencies in 2004 conducted at least one bar-related enforcement activity during the previous six months. In contrast to other workplace-related enforcement activities, responses did not vary significantly among agencies in urban, suburban and rural counties. Roughly two-thirds of all agencies reported that they responded to inquiries and complaints, and about half issued warnings. More agencies also report issuing fines for violations of the smoke-free bar provisions than other workplace provisions. About one-third issued citations and about 20% issued fines.

In contrast to enforcement of other workplace provisions, there were no significant differences in rates of engagement in enforcement activities between agencies in the 18 focal IE counties compared to those in other counties in California. Also encouraging, there were no significant changes over time in the percent of agencies responding to complaints, issuing warnings, conducting compliance checks, or issuing citations.

Two variables predicted whether an agency enforced the bar related provision of LC § 6404.5: the relative seriousness of the SHS problem in bars compared to other community problems; and enforcement agency collaboration with other agencies.

Enforcement of HSC § 104495 — Smoke-free Playgrounds and Tot Lots. The levels of enforcement activities related to HSC § 104495 is lower than for either of the smoke-free workplace provisions of LC § 6404. Only about 40% of the responding agencies reported conducting any enforcement activities related to this law, and about one-third conducted compliance checks or responded to inquiries and complaints. Even fewer issued citations and virtually none (2%) issued fines for violations of the law.

Most of the agencies believe that this issue is less serious than other community problems. Barriers to enforcement, such as limited staff and insufficient funding, ranked higher than for smoke-free workplace provisions. There were two significant predictors of whether an agency enforced LC § 6404: perceived barriers to enforcement and collaboration with other agencies.

In general, enforcement agencies believe that there are high rates of compliance in their communities with the three SHS laws that were addressed in the survey. There is, however, variability in enforcement of SHS laws at the local level. Smoke-free bar provisions appear to be more actively enforced than other workplace provisions, while the law requiring smoke-free playgrounds and tot lots is enforced less than either of the other two laws. Perceptions about the importance of the laws, the seriousness of the problems they are intended to address, and the amount of collaboration with other agencies on enforcement activities all predict whether an agency actively enforces these laws. The findings point to important roles local health departments and their partners can play both in educating their communities and enforcement agencies about reducing exposure to SHS through law enforcement and in facilitating collaboration with SHS enforcement agencies.

References

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Attachments

1. Project Timeline
2. Protocol
3. Youth access packet (letter and survey)
4. Secondhand smoke packet (letter and survey)
5. Reminder postcards